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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/605,441   | 09/30/2003  | John Connor          | BUR920030072US1     | 2440             |
| 21918  | 7590        | 03/23/2005           | EXAMINER            |                  |
| DOWNS RACHLIN MARTIN PLLC<br>199 MAIN STREET<br>P O BOX 190<br>BURLINGTON, VT 05402-0190 |             |                      | LEJA, RONALD W      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2836                |                  |

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |   |
|------------------------------|-----------------|---|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |
|                              | 10/605,441      | CONNOR ET AL.  |
| Examiner                     | Art Unit        |   |
| Ronald W. Leja               | 2836            |   |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 January 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15, 17 and 19-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15, 17 and 19-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-10, 13-15, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Strauss (5,559,659).

Strauss discloses in Fig. 2 an ESD protection circuit having one or more inverters (206), (207), a timing element (203), (204) (an RC network for Claims 3, 4, 9, 14 and 15) for triggering said one or more inverters and having an output node (205) (see also Col. 3, lines 13-15 and 25-27), a clamping circuit (210) and a feedback device (208). For Claims 1, 2, 13 and 17, see Col. 2, lines 44-55.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 7, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss.

Claims 7, 12 and 21 add that the number of inverters comprise at least three inverters. Strauss discloses in Col. 3, lines 6-25, that any number of inverters can be used. Therefore, it would have been obvious to include four inverters (to keep the even number) with the feedback element (208) being in communication with the output of the last inverter and the output node (205) of the timing element, as a means to adjust the delay or the conduction state of the clamping element as needed for the desired level of anticipated ESD protection.

5. Claims 6, 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Wu et al. (6,552,886).

Claims 6, 11 and 20 add that the inverters include a PFET and an NFET. It is well known in the art that inverters can comprises the combination of a PFET and an NFET, but Strauss does not show such details of the inverters. However, Wu et al. clearly teach that the inverters can comprise a PFET and an NFET. It would have been obvious to implement inverters as a PFET with an NFET as a means to help integrate the design as CMOS as opposed to combination-type technologies, such as, BICMOS, thereby lending the design to ease manufacturing and therefore lower fabrication costs.

Art Unit: 2836

6. The Prior Art made of record and not relied upon is considered pertinent to Applicant's disclosure. Huber (6,434,061) has been cited as a matter of interest.

7. Applicant's arguments, see Remarks, filed 1/4/2005, with respect to the rejection(s) of claim(s) 1-21 under Wu et al. (6,552,886) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection has been made, *supra*.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W. Leja whose telephone number is (571)272-2053. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Ronald W. Leja*  
Ronald W Leja  
Primary Examiner  
Art Unit 2836

rwl  
March 14, 2005

*3/14/05*